

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10708,085
Inventor : MACIER, James et al.
Title : "Molded Motor Silencing System Having Vibro-Acoustic Material"
Filing Date : February 6, 2004
Art Unit : 3617
Examiner : VASUDEVA, Ajay
Confirmation No. : 2084
Our File No. : 1058742

DECLARATION UNDER 37 C.F.R. §1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, James MACIER, George BROUGHTON and Evelyn BREZNIK, state the following:

1. We are the co-inventors of the above-identified application.
2. We developed the invention disclosed and claimed in the above-identified application, and caused it to be physically made, prior to February 28, 2003.
3. At the time when we participated in the development and making of this invention, we were employees of Bombardier Recreational Products U.S. Inc. (hereinafter "BRP U.S."), at that time called Bombardier Motor Corporation of America. BRP U.S. is a manufacturer and distributor of JOHNSONTM and EVINRUDETM marine outboard engines, and is headquartered in Sturtevant, Wisconsin.
4. BRP U.S. is the assignee of the above-identified application by way of our assignment to Bombardier Recreational Products Inc. (hereinafter "BRP") recorded at Reel/Frame 014330/0134 and the assignment from BRP to BRP U.S. recorded at Reel/Frame 016059/0808.

The Midsection Sound Insulation Members

5. A printout of an entry from the current parts catalogue of BRP U.S., showing the structure of port and starboard sound insulation members for an outboard motor, in association with related components of the outboard motor, is attached hereto as Exhibit A.
6. As shown in Exhibit A, the port sound insulation member is identified by the part number BIPN 350979, and is indicated in the drawing by the number 4. The starboard sound insulation member is identified by the part number BIPN 350980 and is indicated in the drawing by the number 10. The parts shown in Exhibit A have not changed since they were developed.
7. As shown and described in Exhibit A, the port and starboard sound insulation members BIPN 350979 and BIPN 350980 correspond to the drawings of the above mentioned application, for example Figures 17 and 18 thereof.
8. A printout of an entry from the parts database of BRP U.S., for part number BIPN 350979, is attached hereto as Exhibit B.
9. A printout of an entry from the parts database of BRP U.S., for part number BIPN 350980, is attached hereto as Exhibit C.
10. As shown in Exhibits B and C, parts BIPN 350979 and BIPN 350980 were assigned "Experimental" status on September 13, 2002.
11. In accordance with the standard procedure followed by BRP U.S., a newly developed part is assigned "Experimental" status at a stage of development when a prototype of the part has already been manufactured, but the part is not yet released for commercial scale production or sale.
12. At least as early as September 13, 2002, we had caused the port and starboard sound insulation members BIPN 350979 and BIPN 350980 to be physically made according to our specifications.

The Top Sound Insulation Member

13. A printout of an entry from the current parts catalogue of BRP U.S., showing the structure of a top sound insulation member for an outboard motor, in association with related components of the outboard motor, is attached hereto as Exhibit D. The parts shown in Exhibit D have not changed since they were developed.
14. As shown in Exhibit D, the top sound insulation member is identified by the part number BIPN 350955 and indicated in the drawing by the number 5.

15. As shown and described in Exhibit D, the top sound insulation member BIPN 350955 corresponds to the drawings of the above mentioned application, for example Figure 16 thereof.

16. As shown in Exhibit D, part BIPN 350955 is a sound insulation component corresponding to the drawings of the above mentioned application, for example Figure 16 thereof.

17. A printout of an entry from the parts database of BRP U.S., for part number BIPN 350955, is attached hereto as Exhibit E.

18. As shown in Exhibit E, part BIPN 350955 was assigned "Experimental" status on August 16, 2002.

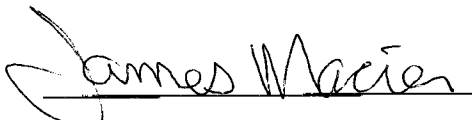
19. At least as early as August 16, 2002, we had caused the top sound insulation member BIPN 350955 to be physically made according to our specifications.

Miscellaneous

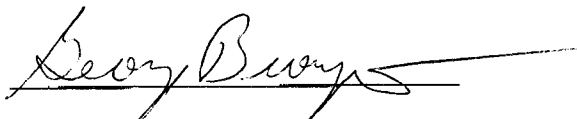
20. The activities leading to the design and development of the components described above were carried out in the United States of America.

21. We acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

22. All statements made of our own knowledge are true and all statements made on information and belief are believed to be true.


James MACIER

7/12/06
Date


George BROUGHTON

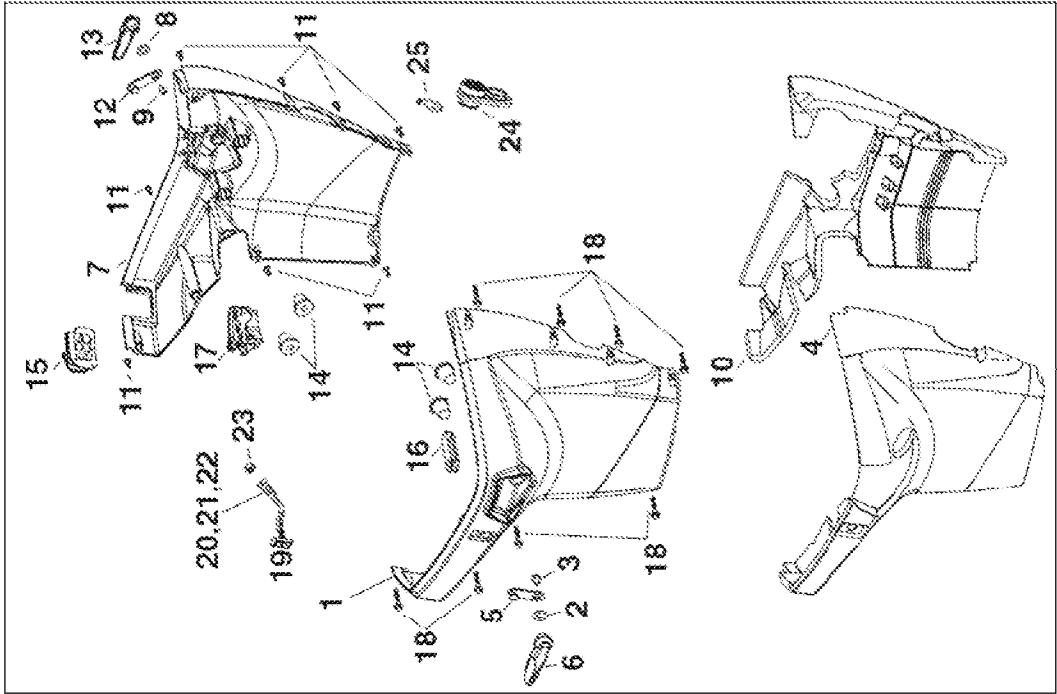
7/12/06
Date


Evelyn BREZNIK

07.12.06
Date

EXHIBIT A

LOWER ENGINE COVER



Ref	P/N	Name of Part	Qty
1	5005385	LOWER COVER Assy, Port - BLUE	1
1	5005285	LOWER COVER Assy, Port - WHITE	1
2	330234	*WASHER, Spring	1
3	342191	*SCREW, Latch	1
4	350979	*INSULATION, Sound-Port	1
5	5005290	*LATCH	1
6	5005291	*LATCH HANDLE	1
7	5005366	LOWER COVER Assy, Stbd - BLUE	1
7	5005286	LOWER COVER Assy, Stbd - WHITE	1
8	330234	*WASHER, Spring	1
9	342191	*SCREW, Latch	1
10	350980	*INSULATION, Sound-Starboard	1
11	351195	*INSERT, Nut	8
12	5005290	*LATCH	1
13	5005291	*LATCH HANDLE	1
14	332413	MOUNT, Lower cover	4
15	350500	GROMMET, Control cable	1
16	350771	GROMMET, Trim and tilt lead	1
17	351674	GROMMET, Steering arm	1
18	351152	SCREW, Port to Starboard cover	8
19	586789	SWITCH, Trim and tilt lower cover	1
20	3011148	*CONTACT, Tab	3
21	3011149	*SEAL, Wire	3
22	3011156	CONNECTOR, 3 Terminal	1
23	334656	NUT, Switch	1
24	351232	GROMMET	1
25	320107	TIE STRAP, Grommet	2

EXHIBIT B

```

ITEM 00070          CEM PART NUMBER DATA          AS OF: 07/12/06
PRESS PF8 FOR MORE DATA          TIME : 09:58
NAME: BARRIER, SOUND-PORT TYPE: P-PROD COMP U/M:      LAST ECN 88821 E  RESP: E
DRG: E  CAD: YES CCS: N CTL BY: ME  SVC CLASS: Y-SERVICED  DATE: 02-03-06
CHART:      OP: N RESP: AE  SVC COMP: Y LST YR: 07  E/R: N  D/R: N
STATUS: R-RELEASED      EXP/PRD:      REL NO: 56618  FINAL ECN:
REPLACED BY:      REF DRG:      OEM RELATED: N
-----STATUS DATES-----
EXPERIMENTAL: 09-13-02 MFG PLANNING :      RELEASE : 02-28-03
PROD APPROVL:      NON-CURRENT :      FINAL CHANGE :
TYPE SUFX      DESCRIPTIVE DATA      CHG DATE
MATL      POLYURETHANE FOAM
      8 LB DENSITY
      COLOR: BLACK
      PER DRAWING
      STATUS: R WAS P      02-03-06
      STATUS: P WAS R      10-24-03
      MATERIAL SPECS REVISED      02-28-03
      BUY INSTRUCTIONS REVISED
      EFFECTIVE FOR PROD. REVISED
      RELEASE REMARKS REVISED
PF-KEYS: 1/HELP 5/ALT PART NO'S 7/TOP 8/FORWARD 9/BIRL 10/BLAH 11/BISU
12/MENU

```

EXHIBIT C

BIRN 500000 CBM PART NUMBER DATA AS OF: 07/12/06
PRESS PF8 FOR MORE DATA TIME : 09:56
NAME: BARRIER, SOUND-STBD TYPE: P-PROD COMP U/M: LAST ECM 88822 E RSP: E
DRG: E CAD: YES CCS: N CTL BY: ME SVC CLASS: Y-SERVICED DATE: 02-03-06
CHART: QP: N RESP: AE SVC COMP: Y LST YR: 07 E/R: N D/R: N
STATUS: R-RELEASED EXP/PRD: REL NO: 56619 FINAL ECM:
REPLACED BY: REF DRG: OEM RELATED: N
-----STATUS DATES-----
EXPERIMENTAL: 09-13-02 MFG PLANNING : RELEASE : 02-28-03
PROD APPROVL: NON-CURRENT : FINAL CHANGE :
TYPE SUEX -----DESCRIPTIVE DATA----- CHG DATE
MATL POLYURETHANE FOAM
8 LB DENSITY
COLOR: BLACK
PER DRAWING
BUY STATUS: R WAS P 02-03-06
CHGS STATUS: P WAS R 08-16-05
STATUS: R WAS P 05-06-05
STATUS: P WAS R 10-24-03
MATERIAL SPECS REVISED 02-28-03
BUY INSTRUCTIONS REVISED
PF-KEYS: 1/HELP 5/ALT PART NO'S 7/TOP 8/FORWARD 9/BIRL 10/BIAS 11/BISU
12/MENU

EXHIBIT D

EPC3669			
Ref	P/N	Name of Part	Qty
1	285650	ENGINE COVER Assy - BLUE Includes all decals, except "HP" Decal	1
1	285651	ENGINE COVER Assy - WHITE Includes all decals, except "HP" Decal	1
2	350664	*HOOK, Latch-Starboard	1
3	350665	*HOOK, Latch-Port	1
4	350667	*SEAL	1
5	350955	*INSULATION, Sound	1
6	350966	*BRACKET, Latch	2
7	351033	*SCREW, Bracket	4

ENGINE COVER

EXHIBIT E

BIRN		CEM PART NUMBER DATA		AS OF: 07/12/06	
PRESS PF8 FOR MORE DATA				TIME : 09:58	
NAME: BLANKET, SOUND		TYPE: P-PROD COMP U/M:		LAST ECM 65813 B RSP: E	
DRG: D CAD: YES CCS: N CTL BY: ME		SVC CLASS: Y-SERVICED		DATE: 10-17-03	
CHART:		QP: N RESP: OT SVC COMP: Y LST YR: 07		E/R: N D/R: N	
STATUS: P-PROD APPROVL		EXP/PRD:		REL NO: 53818 FINAL ECM:	
REPLACED BY:		REF DRG:		OEM RELATED: N	
-----STATUS DATES-----					
EXPERIMENTAL:		08-16-02 MFG PLANNING :		RELEASE : 12-04-02	
PROD APPROVL:		12-10-03 NON-CURRENT :		FINAL CHANGE :	
TYPE SUFFIX		-----DESCRIPTIVE DATA----- CHG DATE			
MATL		URETHANE			
		EAYFIT SA 511			
		DENSITY: 4 LBS PER CUBIC FOOT			
		COLOR: BLACK			
		PER DRAWING			
BUY		STATUS: P WAS R		12-10-03	
CHGS		STATUS: R WAS P			
		STATUS: P WAS R		10-24-03	
		MATERIAL SPECS REVISED		10-17-03	
		MATERIAL SPECS REVISED		12-04-02	
PF-KEYS:		1/HELP 5/ALT PART NO'S 7/TOP 8/FORWARD 9/BIRL 10/BIAS 11/EISU			
		12/MENU			